G. R. S. 59j GPB—15,000—20 12-13

GENERAL AND REVENUE SECRETARIAT.

191 .
(Prison & Jails

P-13

File No. 2 – 1902

Serial Nos. 1 – 2

13
Papers Filed.

Month Feb 03

SUBJECT.

Release of Convicts on medical grounds.

PREVIOUS REFERENCES.	LATER REFERENCES.
P 1 J 6 3 – 99.	Commissioner

Urgent.

SECTION R & J 2-02

FILE NO. OF THE DEWAN OF MYSORE,
(REVENUE AND GENERAL DEPARTMENTS).
SERIAL NO.

P. J.
2 - 1902-3

(Full Office Note.)

‡ **Subject.** Release of 2 Convicts on medical grounds.

Letter No. 46 J dated the 19th January 1903 from the Insp.r Genl of Prisons in Mysore, recommending the —— of Convict Lakshmegowda (No. 6162) of the Mysore jail.

* **Note.**

Prisoner Lakshmegowda was sentenced to 3 months' rigorous imprisonment by the Addl. Assistant Commissioner and 1st class Magistrate, Mysore District, on 31st October 1902. On 24th December 1902, the Superintendent of the Mysore jail reported to the I. G. of Prisons that the prisoner ~~was~~ had been in an indifferent state of health since his admission into the jail, that he was gradually declining and it was unlikely ~~that~~ he would live if he be in the jail any longer and requested therefore that sanction of the Govt. for his release might be obtained and communicated to him by wire, as the case ~~was~~ is one of very urgent nature.

‡ 1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

* 1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

The Inspector General of Prisons ordered the release of the prisoner by wire as desired and has now applied for the formal sanction of Government.

The certificates are in accordance with the Rules. This is the first time that the Insp^r. General has acted suo motu in such cases. Please see precedents put up.

A draft is put up sanctioning the release. This is a scheduled matter — clause VI — (Remission of punishment sentences).

The action of the Insp^r. General in anticipating the sanction of the Govt. authority who could have ordered the release of the prisoner (i.e. the Govt.) seems to be irregular. I have marked the points as in para 2 of the D^y/1.

SW 22-1-03

22/1/03

22-1-03

Submitted to the Private Secretary through the 2nd Counsellor

22/1/03

I quite agree — The 2nd Counsellor should draw up the letter. 24-1-03

D^y/1.

9.104 23-1-03.

Submitted to Private Secretary with a draft

24/1/03

29.1.03 8047

Read :-

Letter No. 46/9 dated the 19th January 1903, from the Inspector General of Prisons in Mysore, recommending the release on medical grounds of prisoner Lakshmigowda (No 6162) undergoing a sentence of 3 months' rigorous imprisonment imposed by the Asst. Sessions Judge of Chikmagalur on 31st October 1902 in the Mysore jail and stating that he has ordered the release of the prisoner in question by wire in anticipation of the sanction of Govt, as the case was one of urgent nature.

Abbreviated - The Hd Gs practice was to say the case is extraordinary. G. 24-1-03

Order thereon.

On a perusal of the papers received with the above, the Govt of His Highness the Maharaja are pleased, under section 401 of the Code of

of Criminal Procedure, to remit
~~the unexpired~~ such portion of the sentence
of imprisonment passed upon
Pranier Lakshmigauda, No. 6162
of the Mysore Jail, ~~and to approve~~ as had still to be
undergone by him on the date
of his release from the Mysore Jail the
2. The Forn: Above, at the same time, that ~~the~~ ~~Inspector~~
the Inspector General of Prisons on the
~~2nd December 1902~~ is not empowered by law to
~~can~~ cause the release of a ~~convict~~ prisoner of his own
~~condemned~~ motion; and that his action in the
present instance in anticipating the sanction
of the authority which could direct such release, & the Forn:
was therefore irregular. ~~if the case was reported~~, the orders sought
Secretary. should have been applied for
by wire through the Secretariat

To The D. G. of Prisons in Mysore.

22/1/03 24/1/03

22.1.03

22/1/03

22/1/03

Submitted to His Highness -

On an urgent report of the Surgeon Civil Surgeon who is the officer in charge of that Jail the Senior Surgeon who is the Presidency General of Prisons ordered the release of a prisoner (Lukshmi Sowda) on the ground that his further detention in Jail would have proved prejudicial to his health and probably resulted in death. The term of imprisonment was three months of which he had undergone the punishment for one month and twenty four days. The release was ordered in anticipation of sanction which was accepted, but the case on merits demanded that the remission of the remaining sentence should be ordered by His Highness alone - and the papers are therefore now submitted with a draft order - It seems unnecessary to make the order more severe as the Hon'ble Prisons did not consider the prisoner intentionally or wilfully

10. II. 03

6

95

The draft approved by the Dewan and 2nd Councillor is submitted, as the matter has to be decided by in Council.

The 1st Councillor. 6/2

To d clerk 6.2.03

Rs. 6.2.03. night. 9132

I think marmalled the mind & character of the D's action as irregular is not sufficient evidence of the seriousness of the ~~almost~~ illegal action of the D.J. & his ignoring the Govt. I would say highly irregular. & Govt must it will not be repeated or something of that effect

8/2/1903

To the Dewan.

8/2/1903

RD 9.2.03. 8287

7

Record of Case submitted for the orders of His Highness the Maharaja.

Subject.

32

Release of convict Lakshmi Gowda, by the Inspector General of Prisons, on medical grounds.

Order.

Sanctioned

~~KRW~~

16/2/03

410
20 17.II.03.

Previous order cancelled

17.II.03

D.G.

17/2

8

Submitted to the
1st Councillor for
information

21/2/03.

Rd. 21/2/03
night.
M27

22/2/1903

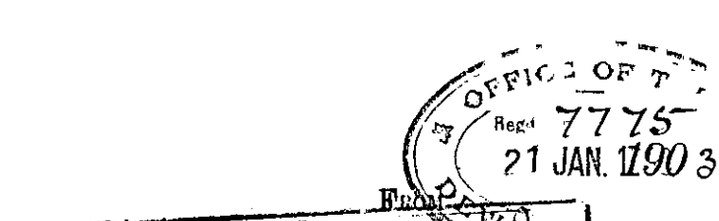
22/2

Submitted to the 2nd
Councillor

23/2/03.

J. 155
25-2-03
Camp Kuniyal

25/2/03



J. 956

J

FROM P. WN

SECTION P & J Asst. Inspector General of Prisons in Mysore

FILE No. 2-02

SERIAL No. 1. To The Secretary to the Govern- ~~ment~~ of Mysore. General & Revenue Departments Bangalore.

Dated 19th January 1903

Despatched 20

Received

General No. 46

No. 9.

Enclosure No. 4

Submits in original for formal sanction of Govt.. letter No 1135 dt. 24 Dec/02 from the Supdt. Mysore Jail with its three enclosures recommending the release on medical grounds of prisoner No 6162 Lakshmi Gowda undergoing imprisonment in that Jail.—

Urgent.

Jail

21/1

From

Lt-Colonel Percy H. Benson M.B., I.M.S.

Inspector General of Prisons in Mysore, Bangalore.

To

H.V.Nanjundayya Esqr: M.A., M.L.

Secretary to the Government of Mysore,

General and Revenue Departments.

No. 46 E (4)

Dated 19th January 1903.

Sir,

I have the honor to forward herewith in original letter No.1135 dated 24th December 1902 with its three enclosures (to be obligingly returned when no longer required), from the Superintendent Mysore Jail, recommending the release on medical grounds of prisoner No.6162 Lakshme Gowda undergoing imprisonment in that Jail and to state that in anticipation of sanction of Government the prisoner in question was ordered to be released by wire as the case was one of urgent nature. I now request therefore that you will be so good as to obtain formal orders of Government and intimate the same to this office.

I have the honor to be

Sir,

Your most obedient servant

Lt-Colonel I.M.S.

Inspector General of Prisons in Mysore.

Jail Transfer — 3

Read :-

FILE No. 2-02

SERIAL No. 2

Letter No. 46/J dated the 19th January 1903, from the Inspector General of Prisons in Mysore, recommending the release on medical grounds of prisoner Lakshmegowda (No. 6162) undergoing in the Mysore Jail a sentence of 3 months' rigorous imprisonment imposed by the Additional Assistant Commissioner and 1st class Magistrate, Mysore, on 31st October 1902, and stating that he has ordered the release of the prisoner in question by wire in anticipation of the sanction of Government as the case was one of an urgent nature.

Order thereon. No. J. 1276 20-2-

On a perusal of the

2nd Order

"Approved. The I.G's procedure was to say the least of it extraordinary.

(Initd) C.S.
24-1-03.

Mysore
Read
17.II.03

the papers received with the above, the Government of His Highness the Maharaja are pleased, under section 401 of the Code of Criminal Procedure, to remit such portion of the sentence of imprisonment passed upon Prisoner Lakshmegowda, No. 6162 of the Mysore jail as he had still to be undergone by him on the date of his release from the Mysore jail.

2. The Government observe, at the same time, that the Inspector General of Prisons is not empowered by law to cause the release of a prisoner of his own motion and that his action in the present instance in anticipating the sanction of the only authority which could

5 direct such release, viz the Government, was therefore irregular. The orders of Government ~~should~~ could have been applied for by wire. ~~through the Secretariat~~.

(Initd) L. A.

Secretary.

To

The I. G. of Prisons in Nagpur.

9706

~~Release - Under Correction~~

Is not this a Council matter? What are precedents?

Initd
4. II. 23

Agreed it is a Council matter
Council 1st Session
Meets no help me
unexpectedly no where
Council - sent H.H.
must notify Minister

Initd
4 II 23

Typed. 9/8/23